IN THE HIGH COURT OF JUDICATURE OF CHHATISGARH
BILASPUR

CONTEMPT PETITION NO. 45 OF 2003

PETITIONER

Dr. (Smt.) Gulshan, W/o Late Dr. Anand Kumar Aggarwal, Aged about 52 years, R/o Sagar Nursing Home, Old Bus Stand, Korba (C.G.)

VERSUS

RESPONDENTS CONTEMNORS

1. Ajay Kumar Budiya, S/o Late Shyam Sunder Budhiya Resident of Korba [C.G]
2. Vijay Kumar Budiya, S/o Late Shyam Sunder Budhiya R/o Power House Road, Korba [C.G]
3. Smt. Kavita Budhiya, W/o Shri Vijay Kumar Budhiya R/o Main Road, Korba (C.G)
4. Smt. Sanyogita Budhiya, W/o Shri Ajay Kumar Budhiya R/o Main Road, Korba (C.G)
5. Sharif Mohammad, Tahsildar & Executive Magistrate, Korba Tahsil & District Korba [C.G]

CONTEMPT PETITION UNER ARTICLE 215 OF CONSTITUTION OF INDIA READ WITH SECTION 10 & 12 OF CONTEMPT OF COURTS ACT 1971 AND SECTION 23 OF THE CHHATTISGARH ACCOMMODATION CONTROL ACT 1961 FOR DISOBEDIENCE AND NON-COMPLIANCE OF THE ORDER DATED 13-3-2003 PASSED BY HONBLE JUSTICE SHRI L.C.BHADOO IN CIVIL REVISION NO.583/2002.

(39)

HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

Single Bench : Hon'ble Shri H.L. Dattu, CJ.

Contempt Petition No.45 OF 2003

Petitioner Dr. (Smt.) Gulshan

Vs.

Respondents/ Contemnors Ajay Kumar Budiya and Others

Present: Shri Ashish Shrivastava, counsel for the petitioner.

ORAL ORDER
(Passed on 28th February, 2007)

The petitioner in this contempt petition is one Dr. (Smt.) Gulshan, W/o. Late Dr. Anand Kumar Aggarwal, who was the respondent in Civil Revision No.583 of 2002. She is the landlady of the respondents in this contempt petition. She had gone before the Rent Controlling Authority / Sub Divisional Officer (Revenue), Korba, to pass an order directing the tenants to vacate and deliver the vacant possession of the non-residential premises which is in their occupation. The Rent Controlling Authority had passed an order dated 02.08.2002 granting the relief sought by the landlady. Aggrieved by that order, the tenants were before this Court in Civil Revision No.583 of 2002. This Court by its order dated 13-03-2003 rejected the Civil Revision and directed the tenants to vacate the non-residential premises and deliver vacant possession of the same to the landlady.

(2) In this contempt petition it is alleged that the tenants have disobeyed the orders and directions issued by this Court in Civil Revision No.583 of 2002. Therefore, a request is made to initiate appropriate contempt proceedings against the tenants and punish them

for the so called wilful and deliberate disobedience of the orders passed by this Court.

(3) Admittedly, this Court has disposed of the Civil Revision on merits and granted some time to the tenants to vacate and deliver the vacant possession of the non-residential premises to the landlady. If for any reason, the tenants have not complied with the directions and orders issued by this Court, in my opinion, the landlady has to file appropriate proceedings before the appropriate forum. The contempt proceedings will lie only, if the tenants had given an undertaking before this Court and thereafter have violated the said undertaking wilfully and deliberately and not otherwise. In that view, cognizance of this petition need not be taken by this Court. Accordingly, the contempt petition is rejected.

Sd/-
Chief Justice